

10 JAMES HENRY WASHBURN, et al.

11 Plaintiffs No. C 03-0869 MJJ

12 v. No. C 03-1194 MJJ

13 ALEX FAGAN, JR., et al.,

14 Defendants.

15 **ORDER**

16 At oral argument on September 27, 2005, the Court instructed Plaintiffs to file an offer of proof, no
17 later than September 30, 2005, regarding Defendant Fagan's deposition testimony and to highlight the
18 particular facts that would be elicited from that testimony that would preclude the grant of summary
19 judgment as to Plaintiffs' *Monell* claims. Defendants should file a response to Plaintiffs' offer of proof no
20 later than Friday, October 7, 2005. Plaintiff may, if they so choose, file a reply to Defendants' response no
21 later than Wednesday, October 12, 2005. Each submission should not exceed five pages.

22 Additionally, the Court notes that Magistrate Judge LaPorte ordered Defendants to produce
23 documents relating to the use of force log entries to which Sergeant Stansberry testified. (June 9, 2005
24 Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel at ¶2.) Both parties should briefly
25 address whether Defendants have produced these documents.

1 **IT IS SO ORDERED.**
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3 Dated: September 27, 2005
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5 Martin J. Jenkins
6 MARTIN J. JENKINS
7 UNITED STATES DISTRICT JUDGE
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